

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ALBERT L. CLARK,

Defendant.

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CASE NO. 8:06CR131

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Report and Recommendation (Filing No. 29) issued by Magistrate Judge Thomas D. Thalken recommending denial of the Defendant's motion to suppress (Filing No. 12). No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing evidence obtained as a result of his December 11, 2005, arrest and search of his person. The Defendant argues that a statement obtained from a confidential informant ("CI") did not provide reasonable suspicion that the Defendant was involved in criminal activity or probable cause for his arrest. Judge Thalken noted: the CI had worked with Officer Baudler in the past and provided reliable information that was corroborated; and Officer Baudler had participated in a drug transaction in which another informant and the Defendant were involved and that resulted in a crack cocaine purchase. Judge Thalken determined that probable cause existed for the December 11, 2005, stop, arrest and search of the Defendant.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 13, 16) and the transcript (Filing No. 25). Because

Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 29) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 12) is denied.

DATED this 6th day of September, 2006.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge